



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, S.W.
WASHINGTON, D.C. 20554

DA 03-172

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: January 21, 2003

**NORTHCOAST COMMUNICATIONS, LLC AND CELLCO PARTNERSHIP
d/b/a VERIZON WIRELESS SEEK FCC CONSENT FOR
ASSIGNMENT OF FIFTY BROADBAND
PERSONAL COMMUNICATION SERVICES LICENSES**

WT Dkt. No. 03-19

PLEADING CYCLE ESTABLISHED

Petitions/Comments Due: February 20, 2003
Oppositions Due: March 3, 2003
Replies Due: March 10, 2003

Northcoast Communications, LLC (“Northcoast”) and its license subsidiaries, Boston Holding, LLC and New York PCS Holding, LLC (collectively, the “Northcoast Companies”), and Cellco Partnership (“Cellco”) d/b/a Verizon Wireless, have filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking Commission approval for the assignment to Cellco of fifty 10 MHz Personal Communications Services (“PCS”) licenses. There are no related microwave stations or international authorizations being assigned.

I. SECTION 310(d) APPLICATIONS

The following three applications for consent to assign PCS licenses granted pursuant to Part 24 of the Commission’s rules have been assigned the file numbers below:

| <u>File Number</u> | <u>Licensee</u> | <u>Call Sign (Lead)</u> |
|-------------------------|--------------------------------|-------------------------|
| 0001138904 | New York PCS Holding, LLC | KNLH264 |
| 0001138905 | Boston, Holding, LLC | KNLH242 |
| 0001138909 ² | Northcoast Communications, LLC | KNLH265 |

¹ 47 U.S.C. § 310(d).

² File No. 0001138909 has been designated as the lead application in this transaction, and all pleadings and other submissions filed in this matter that pertain generally to the transaction and not to a particular application will be available through this file number.

II. DESIGNATED ENTITY AND ENTREPRENEURIAL ELIGIBILITY ISSUES

The Northcoast Companies and Cellco state that this transaction will include the transfer of C, D, E and F Block PCS licenses obtained in Auction Nos. 11 and 35 to Cellco.³ The Commission's rules state that "[n]o assignment or transfer of control of a license for frequency Block C or frequency Block F won in closed bidding pursuant to the eligibility requirements of § 24.709 will be granted,"⁴ except when, among other things, "[t]he application for assignment or transfer of control is filed on or after the date the licensee has notified the Commission pursuant to § 24.203(c) that its five-year construction requirement has been satisfied."⁵ The Northcoast Companies and Cellco state that the five-year build-out notifications have been filed for all of the forty-two F block licenses won in closed bidding in Auction No. 11. Five of the licenses acquired in Auction No. 11 and three of the licenses acquired in Auction No. 35 are not closed C and F block licenses and, therefore, are not subject to the same transfer restrictions.

The Northcoast Companies and Cellco acknowledge that full payment of the remaining unpaid principal and any unpaid interest accrued (installment financing payments) through the eventual date of the assignments and any other unjust enrichment payments (bidding credits) otherwise required by Section 1.2111 of the Commission's rules will be required to be made immediately prior to closing.⁶

III. GENERAL INFORMATION

The assignment and transfer of control applications referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Final action on these applications will not be taken earlier than thirty-one days following the date of this Public Notice.⁷ Interested parties may file comments or petitions to deny no later than **February 20, 2003**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Persons and entities that file comments will have those comments considered but do not become parties to the proceeding and may not be able to participate as fully as petitioners. Oppositions to such pleadings may be filed no later than **March 3, 2003**. Replies to such pleadings may be filed no later than **March 10, 2003**. All filings concerning matters referenced in this Public Notice should refer to **DA 03-172** and **WT Docket No. 03-19**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Pursuant to Section 1.1200(a) of the Commission's rules,⁸ which permits the Commission to adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires, we announce that this proceeding will be governed by **permit-but-disclose** *ex parte* procedures

³ See File Nos. 0001138904, 0001138905, 0001138909.

⁴ 47 C.F.R. § 24.839(a).

⁵ See *id.* § 24.839(a)(6).

⁶ See 47 C.F.R. § 1.2111(c), (d).

⁷ See 47 U.S.C. § 309(b).

⁸ 47 C.F.R. § 1.1200(a).

that are applicable to non-restricted proceedings.⁹

Under the Commission's current procedures for the submission of filings and other documents,¹⁰ submissions in this matter may be filed electronically (*i.e.*, by the Commission's Electronic Comment Filing System (ECFS)) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**¹¹ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings) to: (1) the Commission's duplicating contractor, Qualex International, at qualexint@aol.com or (202) 863-2898 (facsimile); (2) Lauren Kravetz Patrich, Commercial Wireless Division, Wireless Telecommunications Bureau, at lkravetz@fcc.gov or (202) 418-7224 (facsimile); (3) Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau, at emcgrath@fcc.gov or (202) 418-7447 (facsimile); (4) Susan Singer, Commercial Wireless Division, Wireless Telecommunications Bureau, at ssinger@fcc.gov or (202) 418-7447 (facsimile); (5) Rita Cookmeyer, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at rcookmey@fcc.gov or (202) 418-2923 (facsimile); and (6) Neil Dellar, Transaction Team, Office of General Counsel, at ndellar@fcc.gov or (202) 418-7540 (facsimile).

For further information, contact Lauren Kravetz Patrich or Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240, or Rita Cookmeyer, Auctions and

⁹ See *id.* § 1.1206.

¹⁰ See *In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, Order*, FCC 01-345 (rel. Nov. 29, 2001); see also *FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, Public Notice*, DA 01-2919 (rel. Dec. 14, 2001).

¹¹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24,121 (1998).

Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660.

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